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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,744	07/07/2003	John A. Hicks III	60027.0181USU2/BS02500	6181
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MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER HUYNH, CHUCK	
			ART UNIT 2683	PAPER NUMBER

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/614,744	HICKS ET AL.
	Examiner Chuck Huynh	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4 and 7-36 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4 and 7-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 3, and 5-6 are canceled.
2. Claims 33-36 are New.

### ***Response to Arguments***

1. Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 2, 4, 7-16, 19-21, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillig in view of Mohammed.

Regarding claim 1, Gillig discloses a system for providing voice and data services over a wired data network, the system comprising (Abstract):

an unregulated wireless network (cordless system) including one or more wireless access points wired to the wired data network the wireless access points

operative to provide wireless access to the wired data network over an unregulated wireless connection (Col 2, lines 12-35);

    a regulated wireless network (cellular service provider) operative to provide telecommunications services on regulated wireless communications frequencies (Col 2, lines 36-44, 52-55); and

    one or more dual mode digital cordless handsets operative to

    communicate in a first mode (cordless system) with the one or more wireless access points of the unregulated wireless network via the unregulated wireless connection in order to provide the voice and data services over the wired data network (Fig. 1; Abstract; Col 7, line 28 – Col 8, line 10; Col 2, lines 33-35, 48-50; Col 3, lines 13-19, 36-41); and

    when out of range of the wireless transmission area of the unregulated wireless network (cordless system) and in range of a wireless transmission area of the regulated wireless network (cellular system), switch from the unregulated wireless network to the regulated wireless network to communicate in a second mode with the regulated wireless network in order to provide telecommunication services on the regulated wireless communication frequencies (Abstract; Col 7, line 28 – Col 8, line 10; Col 2, lines 33-35, 48-50; Col 3, lines 13-19, 36-41).

Gillig discloses all the particulars of the claim but is unclear on one or more dual mode digital cordless handsets operative to

receive an Internet Protocol (IP) address, when in range of a wireless transmission area of the unregulated wireless network;  
provide identification information to the wired data network via the unregulated wireless network.

However, Mohammed discloses the limitations that one or more dual mode digital cordless handsets operative to

receive an Internet Protocol (IP) address (the ability to communicate using IP addresses), when in range of a wireless transmission area of the unregulated (unlicensed) wireless network (Col 13, lines 10-14, 36-40; Col 8, lines 6-19);

provide identification information to the wired data network via the unregulated wireless network (Col 5, lines 35-42; Col 8, 50-53).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Mohammed disclosure to provide authentication and IP connectivity for handover between regulate and unregulated systems.

Regarding claim 2, Gillig discloses the system of claim 1, wherein the one or more dual mode digital cordless handsets are further operative to switch between the unregulated wireless network and the regulated wireless network without user action (Abstract; Col 7, lines 24-28)

Regarding claim 4, Gillig discloses the system of claim 1, wherein the dual mode digital cordless handsets are further operative to detect the signaling transmissions of the regulated wireless network (Col 7, lines 52-55); to register with the regulated wireless network (Col 4, lines 24-28; Col 7); and to switch from the unregulated wireless network to the regulated wireless network (Col 7, lines 29-47).

Regarding claim 7, Gillig discloses the system of claim 1, wherein digital cordless handsets are further operative to transfer the identification information from the unregulated wireless network to the wired data network where a determination is made regarding what voice and data services to provide based on the identification information (Col 5, line 55 – Col 6, line 19).

Regarding claim 8, Gillig discloses the system of claim 1, wherein a one of the one or more dual mode digital cordless handsets is operative to communicate with the wired data network via any one of the wireless access points (communication at various wireless base stations within the network) (Col 2, lines 24-25, 30-33).

Regarding claim 9, Gillig discloses the system of claim 8, wherein the one or more dual mode digital cordless handsets is operative to switch between any two of the wireless access points during voice or data communication (Col 7, lines 29-44).

Regarding claim 10, Gillig discloses the system of claim 9, wherein switching between any two of the wireless access points comprises exiting a wireless transmission area of a first wireless access point and entering a wireless transmission area of a second wireless access point (Col 7, lines 28-44).

Regarding claim 11, Mohammed discloses the unregulated (unlicensed) wireless connection is an IEEE 802.11b connection (Col 6, lines 25-26).

Regarding claim 12, Mohammed discloses the system of claim 1, wherein the regulated (cellular) wireless connection is a GSM/GPRS connection (Col 11, line 4).

Regarding claim 13, Gillig discloses a method of providing voice and data services over a wired data network and over a regulated wireless network, comprising (Abstract):

detecting, at the dual mode digital cordless handset, an unregulated wireless connection (cordless phone system) provided by a wireless access point (Fig. 1, no. 188), wherein the wireless access point is wired to the wired data network (telephone company phone system Fig. 1, no.184) (Abstract; Fig. 1; Col 2, lines 11-35; Col 7, lines 34-36; Col 8, lines 3-10);

receiving incoming calls directed to the dual mode digital cordless handset and sending outgoing calls from the dual mode digital cordless handset and through the wired data network (Fig 1, shows the CCT to be connected to its telecommunication service provider, in this case TELCO; Col 2, lines 11-33);

detecting, at the dual mode digital cordless handset, a loss of the unregulated (cordless system) wireless connection (when transiting to regulated connection by checking signal quality Fig. 3) (Col 7, lines 29-44);

detecting, at the dual mode digital cordless handset, a connection through the regulated (cellular) wireless network (Col 7, lines 44, 52-55); and

in response to detecting the connection through the regulated wireless network, receiving incoming calls directed to the dual mode digital cordless handset and sending outgoing calls from the dual mode digital cordless handset through the regulated wireless network (using regulated network) (Col 5, lines 53-54, 13-21).

Gillig discloses all the particulars of the claim except for the limitations of

In response to detecting the unregulated wireless connection, receiving an Internet Protocol (IP) address at the dual mode digital cordless handset; and

Providing identification information associated with the dual mode digital cordless handset to the wired data network.

However, Mohammed does disclose the limitations of

in response to detecting the unregulated wireless connection, receiving an Internet Protocol (IP) address at the dual mode digital cordless handset (communication using IP capability) (Col 13, lines 10-14, 36-40; Col 8, lines 6-19); providing identification information associated the dual mode digital cordless handset to the wired data network (Col 5, lines 35-42; Col 8, 50-53).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Mohammed disclosure to provide authentication and IP connectivity for handover between regulate and unregulated systems.

Regarding claim 14, Gillig discloses the method of claim 13, further comprising: after receiving and sending the calls through the regulated wireless network, detecting, at the dual mode digital cordless handset, an unregulated wireless connection provided by a wireless access point wherein the wireless access point is wired to the wired data (telephone company Col 2, lines 11-35; Fig. 1) network (transiting from cellular to cordless system) (Col 7, line 52 – Col 8, line 10); and receiving incoming calls directed to the dual mode digital cordless handset and setting outgoing calls from the dual mode digital cordless handset through the wired data network (cordless base station is connected to telephone company, Fig. 1) (Col 2, lines 11-20).

Regarding claim 15, Gillig discloses the method of Claim 13, further comprising:

determining the voice and data services to provide to the dual mode digital cordless handset over the wired data network based upon the received identification (identification is interpreted as the user's preference of choosing to operate the phone as a cordless system identity or a cellular system identity) information (providing communication depending on user's system preference Col 5, lines 13-25, 41).

Regarding claim 16, Mohammed discloses the method of claim 13, wherein receiving the incoming calls directed to the dual mode digital cordless handset and sending the outgoing calls from the dual mode digital cordless handset through the wired data network comprises establishing a voice over Internet protocol (VoIP) session between the dual mode digital cordless handset and the wired network through the wireless access point (Col 13, lines 12-14);

Regarding claim 19, Mohammed discloses the method of claim 13, wherein the unregulated (unlicensed) wireless connection is an IEEE 802.11b connection (Col 6, lines 25-26).

Regarding claim 20, Mohammed discloses the method of Claim 13, wherein the unregulated wireless connection is a Bluetooth connection (Col 6, line 25-26).

Regarding claim 21, Mohammed discloses the system of claim 13, wherein the regulated (cellular) wireless connection is a GSM/GPRS connection (Col 11, line 4).

Regarding claim 36, Gillig discloses the method of claim 13 wherein the dual mode digital cordless handset detects a loss of the unregulated wireless connection when the dual mode digital cordless handset is moved from a transmission range of the wireless access point (Col 7, lines 29-44).

3. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillig in view of Mohammed in further view of Kung et al. (hereinafter Kung).

Regarding claim 33, Gillig in view of Mohammed discloses all the particulars of the claim except the method of Claim 13, wherein the identification information associated with the dual mode digital cordless handset is stored in a Subscriber Identity Module (SIM) card contained in the dual mode digital cordless handset.

However, Kung does disclose the identification information associated with the dual mode digital cordless handset is stored in a Subscriber Identity Module (SIM) card contained in the dual mode digital cordless handset (Col 2, lines 6-7; Col 23, lines 1-7; Col 28, lines 41-43).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Kung's disclosure to authenticate and provide security to the system.

Regarding claim 34, Gillig discloses the method of claim 13, wherein the outgoing calls are sent from the dual mode digital cordless handset through the wired data network (Col 5, lines 13-16; Col 2, lines 11-35; Fig. 1), but Gillig in view of Mohammed does not disclose the incoming calls are received at the dual mode digital cordless handset through the wired data network using a Session Initiation Protocol (SIP).

However, Kung does disclose incoming calls are received at the dual mode digital cordless handset through the wired data network using a Session Initiation Protocol (SIP) (Col 13, line 27-41; Col 14, line 20).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Kung's disclosure to provide communication and connectivity to conference calls within an IP voice environment.

4. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillig in view of Mohammed in further view of Kung and in further view of Suhail et al. (hereinafter Suhail).

Regarding claim 35, Gillig in view of Mohammed in further view of Kung discloses all the particulars of the claim except for the method of claim 34, wherein the SIP is stored at the dual mode digital cordless handset.

Even though SIP-enabled phones are well known in the art, and therefore Suhail does disclose the SIP is stored at the dual mode digital cordless handset (Abstract; Page 1, [0021]).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Suhail's disclosure to provide communication and connectivity to conference calls within an IP voice environment.

5. Claim 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillig in view of Mohammed in further view of Sinha.

Regarding claim 17, Gillig in view of Mohammed discloses all the particulars of the claim except wherein receiving the incoming calls directed to the dual mode digital cordless handset comprises:

detecting an IP address associated with a telephone number to which the incoming calls are directed; and

if the IP address associated with the telephone number to which the incoming calls are directed matches the IP address received at the dual mode digital cordless handset, then establishing the VoIP session with the dual mode digital cordless handset.

Processing incoming and outgoing calls with a VoIP enabled phone is well known in the art; Sinha discloses the limitations of detecting an IP address associated with a telephone number to which the incoming calls are directed (Col 7, lines 25-40); and

if the IP address associated with the telephone number to which the incoming calls are directed matches the IP address received at the dual mode digital cordless

handset, then establishing the VoIP session with the dual mode digital cordless handset (Col 7, lines 25-40).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Sinha's disclosure within the VoIP-enabled environment of Gillig in view of Mohammed, to provide VOIP communication and connectivity.

Regarding claim 18, Gilig in view of Mohammed discloses a VoIP-enabled system/network (Mohammed Col 13, lines 13-14) and all the particulars of the claim except for the method of claim 16, wherein sending the outgoing calls from the dual mode digital cordless handset comprises:

establishing the VoIP session between the dual mode digital cordless handset and the wired data network to receive telephone numbers associated with the outgoing calls at the wired data network; and

completing the outgoing calls to parties associated with the telephone numbers.

However, Sinha does disclose establishing the VoIP session between the dual mode digital cordless handset and the wired data network to receive telephone numbers associated with the outgoing calls at the wired data network (Abstract; Col 2, lines 34-45; Col 4, line 51 – Col 5, line 17; Col 7, lines 19-25); and

completing the outgoing calls to parties associated with the telephone numbers (establishing communication) (Abstract; Col 2, lines 34-45; Col 4, line 51 – Col 5, line 17; Col 7, lines 19-25)

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Sinha's disclosure within the VoIP-enabled environment of Gillig in view of Mohammed, to provide VOIP communication and connectivity.

6. Claims 22, 23, 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautiola in view of Mohammed.

Regarding claim 22, Rautiola discloses a system for providing voice and data services over a wired data network and over a regulated wireless network, the system comprising (Col 1, lines 5-9; Col 2, lines 54-67; Col 6, lines 31-34; Fig. 2):

a broadband residential gateway comprising a first network device operative to communicate with the wired data network (Col 3, lines 60-65), a second network (Col 3, lines 29-38; Col 4, lines 27-31) operative to provide a communications link to one or more wired network devices over a wired connection, and a wireless access point (Col 4, lines 55-58) operative to provide wireless access to the wired data network over an unregulated (Col 3, lines 20; Col 6, lines 37-39) wireless connection;

a regulated wireless network operative to provide telecommunications services on regulated wireless communications frequencies (Col 4, lines 14-26); and

one or more dual mode digital cordless handsets operative to communicate in a first mode with the wireless access point via the unregulated wireless connection in order to provide the voice and data services over the wired data network (Col 6, lines 34-50); and

and when out of range of the wireless transmission area of the unregulated wireless network and in range of a wireless transmission area of the regulated wireless network, switch from the unregulated wireless network to the regulated wireless network to communicate in a second mode with the regulated wireless network in order to provide the voice and data services over the regulated wireless network (Col 2, lines 54-67; Col 6, lines 31-40).

Rautiola discloses an IP communication-enabled environment (Col 6, line 41; Col 7, line 45; Fig. 2,3,5-11, 13, 14) and all the particulars of the claim but is unclear on the limitations of one or more dual mode digital cordless handsets operative to receive an Internet Protocol (IP) address, when in range of a wireless transmission area of the unregulated wireless network; and provide identification information to the wired data network via the unregulated wireless network.

However, Mohammed discloses the limitations that one or more dual mode digital cordless handsets operative to receive an Internet Protocol (IP) address (the ability to communicate using IP addresses), when in range of a wireless transmission area of the unregulated (unlicensed) wireless network (Col 13, lines 10-14, 36-40; Col 8, lines 6-19); provide identification information to the wired data network via the unregulated wireless network (Col 5, lines 35-42; Col 8, 50-53).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Mohammed disclosure to provide authentication and IP connectivity for handover between regulate and unregulated systems.

Regarding claim 23, Rautiola discloses the system of claim 22, further comprising one or more digital wired handsets operative to communicate with the wired data network in order to provide the voice and data services (Col 6, lines 31-47).

Regarding claim 25, Rautiola discloses the system of claim 23, wherein the wired data network is operative to generate a telephone call directed toward the broadband residential gateway and wherein the telephone call may be answered on any of the one or more dual mode digital cordless handsets or any of the digital wired handsets (Col 11, lines 54-65; Fig. 7).

Regarding claim 26, Rautiola discloses the system of claim 23, wherein the broadband residential gateway is operative to generate a telephone call directed toward the wired data network and wherein the telephone call may be initiated on any of the one or more dual mode digital cordless handsets or any of the digital wired handsets (Col 11, lines 54-65; Fig. 7).

Regarding claim 27, Rautiola discloses the system of claim 23, wherein the system further comprises a directory information database and wherein any of the one

or more dual mode digital cordless handsets or any of the digital wired handsets are operative to access directory information provided by the directory information database (Col 9, lines 3-7).

Regarding claim 28, Rautiola discloses the system of claim 22, wherein the dual mode digital cordless handsets transmit a user identifier to the wired network and wherein the system further comprises a restriction database of the wired network that applies rules to telephone calls of the dual mode digital cordless handsets based on the user of the dual mode digital cordless handsets (Col 8, lines 50-67).

Regarding claim 29, Rautiola discloses the system of claim 22, wherein the system further comprises a web interface at a personal computer linked to the wired network, wherein the web interface provides for entry of administrative information for providing the voice and data services over the wired data network (Col 3, lines 26-27; Col 4, line 50; Fig. 4).

Regarding claim 30, Mohammed discloses the method of claim 22, wherein the unregulated (unlicensed) wireless connection is an IEEE 802.11b connection (Col 6, lines 25-26).

Regarding claim 31, Rautiola discloses the system of Claim 22, wherein the unregulated wireless connection is a Bluetooth connection (Col 4, line 57).

Regarding claim 32, Rautiola disclose the system of Claim 22, wherein the regulated wireless connection is a GSM/GPRS connection (Col 4, line 20).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rautiola in view of Mohammed in further view of Lin et al. (hereinafter Lin).

Regarding claim 24, Rautiola in view of Mohammed discloses all the particulars of the system except the system of claim 22, wherein the wired connection comprises a Home Phoneline Network Alliance (HPNA) connection.

HPNA connection is well known in the art, and Lin also discloses HPNA connections within a network architecture (Col 5).

It would have been obvious to one ordinarily skilled in the art at the time of invention to incorporate Lin's disclosure to provide connectivity.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fangman, Richard E. et al. discloses a System and method for performing IP telephony

Tezuka, Yasuo et al. discloses Congestion control system for VoIP network

Lim, Jae Sang discloses a System and method of operating terminal in at least two communication modes

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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